

ORIGINAL

BERVAR & JONES
Attorneys at Law
A Law Partnership

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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AUG 22 2008
at 3 o'clock and 25 min C.M.S.
SUE BEITIA, CLERK

Attorney for Defendant
Phillip Phomphakdy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) Cr. No. 04-00316 HG
)
 Plaintiff,) **NOTICE OF MOTION;**
) **DEFENDANT'S MOTION**
vs.) **FOR EARLY**
) **TERMINATION OF**
PHILLIP PHOMPHAKDY,) **SUPERVISED RELEASE;**
) **DECLARATION OF**
) **COUNSEL; CERTIFICATE**
) **OF SERVICE**
)
) Hearing
) Date: _____
) Time: _____
) Judge: _____
)

NOTICE OF MOTION

TO: Beverly Wee Sameshima
Assistant United States Attorney
300 Ala Moana Boulevard
Room #6-100 PJKK, Federal Building
Honolulu, Hawaii 96850
Attorney for Plaintiff
United States of America

United States Probation Office
300 Ala Moana Boulevard, C-100
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable _____, in her/his courtroom in the United States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on _____ at _____ or as soon as counsel may be heard.

DATED: Honolulu, Hawaii, August 22, 2008.



BIRNEY B. BERVAR
Attorney for Defendant
Phillip Phomphakdy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 04-00316 HG
)	
Plaintiff,)	DEFENDANT'S MOTION
)	FOR EARLY
vs.)	TERMINATION OF
)	SUPERVISED RELEASE
PHILLIP PHOMPHAKDY,)	
)	
Defendant.)	
)	
)	
)	

**DEFENDANT'S MOTION FOR EARLY
TERMINATION OF SUPERVISED RELEASE**

Comes Now, Defendant Phillip Phomphakdy (hereinafter "Defendant"), through counsel, Birney B. Bervar and moves for early termination of his supervised release term of five (5) years. In support of this motion, Defendant states as follows:

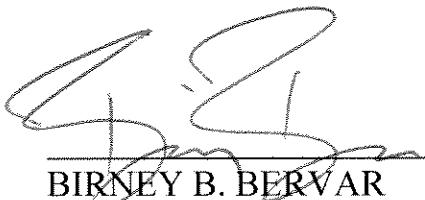
1. Defendant was sentenced on April 29, 2005 to a term of thirty (30) months incarceration to be followed by a period of five (5) years of supervised release.

2. Defendant served his incarceration and was released on supervised release on August 10, 2007.

3. Defendant has been fully compliant with all the terms and conditions of his supervised release.

4. While still incarcerated and since his release, Defendant substantially assisted the government in its investigation and prosecution of others who have committed criminal offenses. Despite his similar cooperation prior to sentencing, Defendant never received the benefit of a government motion for a downward departure in sentencing for his substantial assistance.

DATED: Honolulu, Hawaii, August 22, 2008.



BIRNEY B. BERVAR
Attorney for Defendant
Phillip Phomphakdy